

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 130

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-201, IDAHO CODE, TO  
2 REVISE IRRIGATION DISTRICT ELECTION PROVISIONS, TO PROVIDE FOR THE COM-  
3 MENCEMENT AND DURATION OF TERMS OF OFFICE, TO PROVIDE THAT CANDIDATES  
4 FOR ELECTION TO THE OFFICE OF DIRECTOR SHALL BE NOMINATED, TO PROVIDE  
5 FOR NOMINATING PETITIONS, TO PROVIDE FOR OATHS, TO PROVIDE FOR VERIFI-  
6 CATION OF QUALIFICATIONS BY THE SECRETARY OF THE IRRIGATION DISTRICT,  
7 TO PROVIDE FOR CERTIFICATION OF QUALIFIED NOMINEES FOR INCLUSION ON THE  
8 ELECTION BALLOT, TO PROVIDE FOR DISQUALIFICATION OF CERTAIN NOMINEES  
9 AND TO PROVIDE A PROCEDURE RELATING TO DISQUALIFICATION; AMENDING SEC-  
10 TION 43-202, IDAHO CODE, TO PROVIDE FOR A DIRECTOR'S OATH AND BOND AND  
11 TO PROVIDE FOR VERIFICATION OF SPECIFIED QUALIFICATIONS; AND AMENDING  
12 SECTION 43-208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MEETING  
13 FOR THE PURPOSE OF CANVASSING RETURNS AND TO PROVIDE A PROCEDURE FOR THE  
14 SECRETARY FOLLOWING DECLARATION OF THE RESULT.  
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Section 43-201, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 43-201. ELECTION, TERM OF OFFICE, NOMINATIONS AND QUALIFICATIONS. (1)  
20 Following the organization of any district, an election shall be held in ac-  
21 cordance with section 34-106, Idaho Code, at which shall be elected one (1)  
22 director for each division of said district by the electors of the district  
23 at large.

24 (2) The term of office of the directors shall, immediately after the  
25 first election following such organization, be selected by lot so that as  
26 nearly as may be, one-third (1/3) of the number shall hold office for the term  
27 of one (1) year; one-third (1/3) for the term of two (2) years, and the bal-  
28 ance for the term of three (3) years. ~~And a~~An election shall be held in the  
29 district each year thereafter in accordance with section 34-106, Idaho Code,  
30 ~~for each year thereafter, at which directors shall be elected to elect di-~~  
31 ~~rectors to succeed those whose terms expire, to hold.~~ Each director's term  
32 of office shall commence on the regularly scheduled board meeting closest to  
33 the date specified for taking office in section 34-106, Idaho Code, and shall  
34 continue for a term of three (3) years, or until their successors are elected  
35 and qualified.

36 (3) Every director must be a qualified elector and a resident of the di-  
37 vision of the director whom he is to succeed in office; provided that the  
38 bylaws may, by resolution of two-thirds (2/3) of the board and adoption by  
39 two-thirds (2/3) of the electors voting in a district election conducted in  
40 accordance with the general election laws of the state applicable to irriga-  
41 tion districts, set forth a provision allowing a district landowner to serve  
42 as the director from the division in which the landowner owns land, if the

1 landowner possesses all the qualifications required of electors under the  
 2 general laws of the state and has resided within fifteen (15) miles of the  
 3 district for a period of at least thirty (30) days prior to the election; pro-  
 4 vided further that any landowner who owns land in more than one (1) division  
 5 may serve as the director only from the division nearest which he resides.

6 ~~(4) Written nominations for the office of director if any are made, must~~  
 7 ~~be~~ Candidates for election to the office of director of an irrigation dis-  
 8 trict shall be nominated by nominating petitions on forms provided by the  
 9 district. Each nominating petition shall:

10 (a) Identify the name of the nominee;

11 (b) Identify the office for which the nomination is made;

12 (c) Identify the term for which nomination is made;

13 (d) Be signed by at least six (6) electors in districts having less than  
 14 one hundred (100) resident electors and by at least twelve (12) electors  
 15 in districts having more than one hundred (100) resident electors; and

16 (e) Be filed with the secretary of the district not less than forty (40)  
 17 days nor more than sixty (60) days before the date of election; and the  
 18 names of the persons so nominated shall be placed upon official ballot  
 19 to be furnished by the district.

20 (5) Each nominee shall subscribe to a nominee's oath on a form provided  
 21 by the irrigation district, and shall submit the oath to the secretary of the  
 22 district with the written nomination. The oath shall:

23 (a) Identify the land the nominee owns within the district;

24 (b) Provide the address of the nominee's residence;

25 (c) Certify that the nominee meets the qualification requirements of  
 26 section 43-111, Idaho Code; and

27 (d) Certify that the nominee will meet such requirements on the date of  
 28 election.

29 The secretary of the district shall verify the qualifications of each nom-  
 30 inee and shall, no more than seven (7) days after the close of filing, cer-  
 31 tify the qualified nominees for inclusion on the election ballot. If at any  
 32 time prior to the election, circumstances change so that a nominee no longer  
 33 meets the qualification requirements of section 43-111, Idaho Code, the nom-  
 34 inee shall be disqualified, shall not take office if elected and shall imme-  
 35 diately file with the secretary of the district a written withdrawal of his  
 36 nomination for the office of director. The secretary shall not place on the  
 37 election ballot the name of any candidate that does not meet the qualifica-  
 38 tion requirements of section 43-111, Idaho Code.

39 SECTION 2. That Section 43-202, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 43-202. DIRECTOR'S OATH AND BOND. Within ten (10) days after receiving  
 42 the certificate of election hereinafter provided for, said officers On the  
 43 date a director's term of office is to begin, the person that has been elected  
 44 shall take and subscribe the official oath and required by section 59-401,  
 45 Idaho Code, in which the person shall verify that he or she meets the qualifi-  
 46 cation requirements of section 43-111, Idaho Code. Each director shall file  
 47 the same in the office of the board of directors, and execute the bond here-  
 48 inafter provided for. Each member of said board of directors shall execute  
 49 an official bond in the sum of not less than five hundred dollars (\$500) nor

1 more than five thousand dollars (\$5,000), the amount to be determined and ap-  
2 proved by the judge of the probate court of said county where such organiza-  
3 tion was effected and shall be recorded in the office of the county recorder  
4 thereof and filed with the secretary of said board. All official bonds pro-  
5 vided for in this title shall be in the form prescribed by law for the offi-  
6 cial bond of county officers. If the district obtains a surety bond, blanket  
7 surety bond or crime insurance coverage pursuant to the applicable provi-  
8 sions of chapter 8, title 59, Idaho Code, the directors shall not be required  
9 to post a bond under the provisions of this section.

10 SECTION 3. That Section 43-208, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 43-208. CANVASS OF RETURNS. The board of directors must meet at its  
13 usual place of meeting on or before the ~~first Monday after~~ next regularly  
14 scheduled board meeting following each election to canvass the returns, and  
15 they shall proceed in the same manner and with like effect, as near as may  
16 be, as the board of county commissioners in canvassing the returns of gen-  
17 eral elections, and when they shall have declared the result, the secretary  
18 shall ~~make full entries in his records in like manner as is required of the~~  
19 ~~county recorder in general elections~~ enter a statement of the result on the  
20 records of the board of directors as required by section 43-213, Idaho Code.  
21 The board of directors must declare elected the person or persons having the  
22 highest number of votes for each office. The secretary must, immediately,  
23 make out and deliver to such person or persons a certificate of election  
24 signed by him and authenticated with the seal of the board.